

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

DEBORAH GENATOSSIO and
MICHAEL GENATOSSIO,
Plaintiffs

v.

NORTH AMERICAN AIRLINES, INC.,
Defendant

05 10881 RGS

RECEIPT # 63881
AMOUNT \$ 250.00
SUMMONS ISSUED N/A
LOCAL RULE 4.1 -
WAIVER FORM -
MCF ISSUED -
BY DPTY. CLK. 11/1
DATE 4/29/05

CIVIL ACTION NO.

**NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT
COURT 28 U.S.C. § 1441 (A)**

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS:**

MAGISTRATE JUDGE RBC

The Defendant, North American Airlines, Inc.. (hereinafter "NAA" or the "Defendant"), pursuant to Section 1331 and Section 1441 of Title 28 of the United States Code and Rule 81.1 of the Local Rules for the United States District Court, District of Massachusetts, herewith files this Notice of Removal in the United States District Court for the District of Massachusetts from the Superior Court of the Commonwealth of Massachusetts in and for Suffolk County and states the following in support of this Notice of Removal:

1. The Plaintiffs, Deborah and Michael Genatossio, (hereinafter "Genatossio" or the "Plaintiffs"), filed a civil action against NAA on or about January 27, 2005, in the Superior Court of the Commonwealth of Massachusetts in and for Suffolk County, Civil Action No. SUCV2005-0340G, Deborah Genatossio and Michael Genatossio v. North American Airlines, Inc.
2. On or about April 11, 2005, the Plaintiff served NAA with a copy of the Complaint via first class mail. See Letter from Plaintiff's Counsel dated April 7, 2005.


3. This Notice of Removal is filed in the United States District Court for the District of Massachusetts within the time allowed by law for removal of civil actions. The documents attached hereto as Exhibit "A" constitute all of the process and pleadings served upon NAA by the Plaintiffs to date.
4. This action is removable to this Court pursuant to Section 1441(a) and (b) of Title 28 of the United States Code, because this Court has original jurisdiction under Section 1331 of Title 28 of the United States Code.
5. In particular, the Plaintiff's claims present federal questions because they are (1) completely preempted, (2) arise under federal common law, and/or (3) raise express or implied causes of action under the Constitution, federal statute, or international treaty.
6. The following bodies of law support a finding of complete preemption of the Plaintiff's claims, a finding that the claims arise under federal common law, and/or a finding that the complaint raises an express or implied cause of action under the Constitution, federal statute or international treaty: the Convention for the Unification of Certain Rules Relating to International Transportation by Air, Oct. 12, 1929, 49 Stat. 3000, 3014, T.S. No. 876 (1934), *reprinted in* note following 49 U.S.C. § 40105 (the "Warsaw Convention" or the "Convention").
7. This action is removable to this Court pursuant to 28 U.S.C. §1441(a) because this Court has original jurisdiction pursuant to 28 U.S.C. §1332(a)(1) in that the plaintiff and the defendant are citizens of different states. Plaintiffs are residents of Medfield, Massachusetts. NAA is a New York corporation and its principal place of business is located in Jamaica, New York. Thus, diversity of citizenship exists. Moreover, the amount in controversy exceeds \$75,000 based upon the plaintiffs' claims that they are entitled to monetary damages relating to her hospital and doctor expenses for her alleged injuries in the amount of \$55,000.00 plus unspecified damages for future medical costs, pain and suffering and the loss of consortium. Plaintiffs are also seeking attorney's fees associated with pursuing this litigation. Thus, in the event plaintiffs prevail on these claims against NAA and NAA is adjudged liable for damages incurred by the plaintiffs, plaintiffs claim they are entitled to recover more than the \$75,000 jurisdictional amount.
8. This Notice of Removal is being filed within thirty (30) days of service and receipt of the Summons and Complaint in accordance with Section 1446(b) of Title 28 of the United States Code.
9. A notice of the filing of this Notice of Removal and a true copy of this Notice of Removal will be filed with the Clerk of the Superior Court of the Commonwealth of Massachusetts in and for Suffolk County, as required by Section 1446(d) of Title 28 of the United States Code.

10. Pursuant to Local Rule 81.1(a) shall, within thirty (30) days after filing a notice for removal of the action from state court to this court, file certified or attested copies of all records and proceedings in the state court and a certified or attested copy of all docket entries in the state court. See LR 81.1(a).

WHEREFORE, North American Airlines, Inc. prays that the action currently pending in the Superior Court of the Commonwealth of Massachusetts in and for Suffolk County be removed to the United States District Court for the District of Massachusetts.

Respectfully submitted,
NORTH AMERICAN AIRLINES, INC.,

By Its Attorneys,


Maynard M. Kirpalani, BBO#273940
Carey Bertrand, BBO#650496
Wilson, Elser, Moskowitz,
Edelman & Dicker, LLP
155 Federal Street
Boston, MA 02110
(617) 422-5300

Dated: 4/29/05

SARROUF, TARRICONE & FLEMMING

L A W Y E R S

A P R O F E S S I O N A L C O R P O R A T I O N

95 COMMERCIAL WHARF • BOSTON, MASSACHUSETTS 02110
TELEPHONE 617 227-5800 • FAX 617 227-3470
WWW.STPLAW.COM

Camille F. Sarrouf
Anthony Tarricone
John B. Flemming
Daniel J. Gibson
Camille F. Sarrouf, Jr.
Joseph P. Musacchio
Elise A. Brassil
Stanley D. Helinski

April 7, 2005

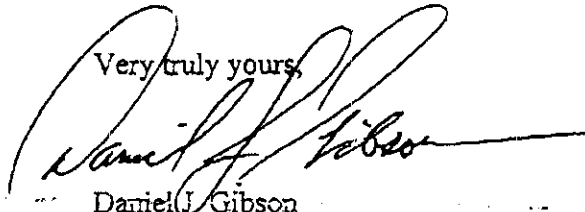
North American Airlines, Inc.
Building 75, Suite 250
North Hanger Road
JFK Airport
Jamaica, NY 11430

Re: Deborah Genatossio and Michael Genatossio
v.
North American Airlines, Inc.
Suffolk County Docket No: SUCV2005-00340

Dear Sir or Madam:

You are hereby served with a copy of the Complaint, Civil Action Cover Sheet
and with process in the above-entitled action in accordance with Massachusetts General
Laws, Chapter 223A, Section 6.

Very truly yours,



Daniel J. Gibson

DJG/kmb
enc.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Commonwealth of Massachusetts

SUFFOLK, ss.



SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION

No. 05-0340-G

DEBORAH GENATOSSIO, and
MICHAEL GENATOSSIO, Plaintiff(s)

v.

NORTH AMERICAN AIRLINES, INC., Defendant(s)

SUMMONS

North American Airlines, Inc.
To the above-named Defendant: Building 75, Suite 250, North Hanger Rd.
JFK Airport, Jamaica, NY 11430

You are hereby summoned and required to serve upon Daniel J. Gibson, Esq.
Sarrouf, Tarricone & Flemming

plaintiff's attorney, whose address is 95 Commercial Wharf, Boston, MA 02110, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esquire, at Boston, the 7th day of
April, in the year of our Lord two thousand and five

Michael Joseph Donovan

Clerk/Magistrate

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
(1) TORT — (2) MOTOR VEHICLE TORT — (3) CONTRACT — (4) EQUITABLE RELIEF — (5) OTHER

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
CIVIL ACTION NO. 05-0340-GDEBORAH GENATOSSIO,)
and MICHAEL GENATOSSIO,)
Plaintiffs,)PLAINTIFFS' COMPLAINT

v.)

PLAINTIFFS CLAIM TRIAL BY JURYNORTH AMERICAN AIRLINES,)
INC.,)
Defendant.)THE PARTIES

1. The plaintiff, Deborah Genatossio, is a citizen of the United States and a resident of the Town of Medfield, County of Norfolk, Commonwealth of Massachusetts.
2. The plaintiff, Michael Genatossio, is a citizen of the United States and a resident of the Town of Medfield, County of Norfolk, Commonwealth of Massachusetts.
3. At all times relevant to this action, the plaintiffs were and remain lawfully married as husband and wife.
4. The defendant, North American Airlines, Inc., based upon information and belief, is a United States corporation with a principle place of business located in Jamaica, New York, however, at all times relevant to this action, the defendant, North American Airlines, Inc., maintained a usual and customary place of business within the City of Boston, County of Suffolk, Commonwealth of Massachusetts.

JURISDICTION AND VENUE

5. Personal jurisdiction exists over the defendant pursuant to G.L. c. 223A, § 3.
6. Jurisdiction in the United States exists also pursuant to Article 28 of the Warsaw Convention, in that the plaintiff's ticket was issued by North American Airlines, Inc., and purchased by the plaintiffs through an authorized agent within the United States, and the departure and destination of the roundtrip ticket on the North American Airlines, Inc., flight was Boston, Massachusetts.
7. The subject flight involved "international transportation" as defined under the Warsaw Convention.

8. Venue in this Court is appropriate in that it is a judicial district in which the defendant is subject to personal jurisdiction.

GENERAL ALLEGATIONS APPLICABLE TO ALL COUNTS

9. On January 31, 2003 the plaintiffs departed Logan International Airport, Boston, Massachusetts, onboard North American Airlines Flight 31 destined for Puerto Plata.
10. The plaintiffs' roundtrip ticket, purchased through a Massachusetts agent authorized to sell tickets for roundtrip passage on North American Airlines flights, provided that they would return from Puerto Plata to Logan International Airport, Boston, Massachusetts on February 7, 2003 onboard North American Airlines Flight 32.
11. On February 7, 2003 North American Airlines Flight 32 departed Puerto Plata en route to Boston, Massachusetts, however, North American Airlines Flight 32 diverted to Turks and Caicos to pick up additional Boston, Massachusetts bound passengers.
12. On February 7, 2003, during the flight from Puerto Plata to Turks and Caicos heavy metal trays were used in the cabin in connection with in-flight food service.
13. On February 7, 2003, while North American Airlines Flight 32 was on final approach to Turks and Caicos for landing, the flight attendant staff attempted to store a number of heavy metal trays in the overhead compartment above the seat occupied by the plaintiff, Deborah Genatossio.
14. On February 7, 2003, during the final approach of North American Airlines Flight 32 into the Turks and Caicos airport, the metal trays which had been inadequately secured in the overhead compartment above Deborah Genatossio's seat, fell from the overhead compartment and crashed down onto Deborah Genatossio's left leg and foot.
15. On February 7, 2003, the inadequately secured metal trays which fell onto plaintiff Deborah Genatossio's left leg and foot proximately resulted in serious personal injuries to the plaintiff, Deborah Genatossio.
16. The incident involving the plaintiff, Deborah Genatossio, constituted an accident or unexpected unusual event external to the passenger within the meaning of the Warsaw Convention.
17. The incident onboard North American Airlines Flight 32 on February 7, 2003 and the resulting serious physical injuries to the plaintiff, Deborah Genatossio, were proximately caused by the carelessness and negligence of the defendant, North American Airlines, Inc., by and through its servants, agents and employees in any or all of the following respects:
 - (a) in failing to provide for the safe passage of its passengers from Puerto Plata to Boston, Massachusetts;

- (b) in failing to adequately train its flight attendants as to the appropriate procedures and protocols for securing heavy objects in overhead compartments above passenger seating;
 - (c) in failing to adequately monitor and review the efforts and actions of its flight attendant staff while attempting to secure heavy objects in overhead compartments above passenger seating;
 - (d) in failing to adequately and safely secure heavy objects in overhead compartments above passenger seating;
18. As a direct and proximate result of the physical injuries suffered by the plaintiff, Deborah Genatossio, her husband, Michael Genatossio, has suffered a loss of his wife's care, comfort, companionship, society and consortium.

COUNT I

Claim of the plaintiff, Deborah Genatossio, against the defendant, North American Airlines, Inc., for PERSONAL INJURY PREDICATED UPON NEGLIGENCE.

19. The plaintiff repeats, realleges and incorporates herein ¶¶ 1 through 18 above as if fully stated herein.
20. On February 7, 2003, during North American Airlines, Inc., Flight 32, the defendant, North American Airlines, Inc., through its agents, servants, and employees, negligently and carelessly secured heavy objects in the overhead compartment above the seat assigned to the plaintiff, Deborah Genatossio, thereby allowing heavy metal trays to fall onto Deborah Genatossio's left leg and foot, which proximately resulted in serious personal injuries to the plaintiff, Deborah Genatossio.
21. As a direct result of the foregoing, the plaintiff suffered severe personal injuries, great pain of body and anguish of mind, and incurred medical and other expenses.
22. Predicated upon the foregoing, the plaintiff, Deborah Genatossio, is entitled to recover damages from the defendant for her personal injuries, pain of body and anguish of mind suffered as a result of the February 7, 2003 incident together with interest and costs.

WHEREFORE, the plaintiff, Deborah Genatossio, demands judgment against the defendant, North American Airlines, Inc., in an amount sufficient to compensate her for her damages, pain of body and anguish of mind and related expenses plus interest and costs.

APR. 11. 2005 11:07AM

NORTH AMERICAN AIR

NO. 143 P. 7

COUNT II

Claim of the plaintiff, Michael Genatossio, against the defendant, North American Airlines, Inc., for LOSS OF CONSORTIUM PREDICATED UPON NEGLIGENCE.

23. The plaintiff repeats, realleges and incorporates fully herein ¶¶ 1 through 20 of Count I as if fully stated herein.
24. As a direct result of the foregoing, the plaintiff, Michael Genatossio, was deprived of his wife's full society, care, comfort, companionship and consortium.
25. As a result of the foregoing, the plaintiff, Michael Genatossio, is entitled to recover damages from the defendant, in an amount sufficient to fully and fairly compensate him for his losses, together with interest and costs.

WHEREFORE, the plaintiff, Michael Genatossio, demands judgment against the defendant, North American Airlines, Inc., in an amount sufficient to fully and fairly compensate him for his losses, together with interest and costs.

JURY CLAIM

The plaintiffs' claim trial by jury on all issues.

Respectfully submitted,
The plaintiffs,
Deborah Genatossio and
Michael Genatossio,
By Their Counsel,



DANIEL J. GIBSON, ESQ.

BBO#: 550661

Sarrout, Tarricone & Flemming
95 Commercial Wharf
Boston, MA 02110
Tel.: (617) 227-5800

Dated: 1/27/05

APR. 11. 2005 11:07AM

NORTH AMERICAN AIR

NO. 143 P. 8

CIVIL ACTION COVER SHEET	Trial Court of Massachusetts SUPERIOR COURT DEPARTMENT County:	Docket Number 05-0340-G
PLAINTIFF(S) Deborah Genatossio and Michael Genatossio		DEFENDANT(S) North American Airlines, Inc.
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE Daniel J. Gibson, Esq., (800-227-5800) Sarrouf, Tarricone & Flemming Board of Bar Overseers number: 550661		ATTORNEY (if known)
Place an x in one box only. Origin code and track designation <input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X) <input type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial) (F) <input type="checkbox"/> 5. F05 Reactivated after rescript relief from judgment/ Order (Mass.R.Giv.P. 60) (X) <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231, s.102C (X) <input type="checkbox"/> 6. E10 Summary Process Appeal (X)		
CODE NO. B04	TYPE OF ACTION (specify) Personal Injury (F)	TRACK (X) Yes () No
IS THIS A JURY CASE?		
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.		
TORT CLAIMS (Attach additional sheets as necessary)		
A. Documented medical expenses to date:		
1. Total hospital expenses		\$44,054
2. Total Doctor expenses		\$1,213
3. Total chiropractic expenses		\$
4. Total physical therapy expenses		\$
5. Total other expenses (describe)		\$
Subtotal		\$5,267
B. Documented lost wages and compensation to date		\$
C. Documented property damages to date		\$
D. Reasonably anticipated future medical and hospital expenses		Uncertain
E. Reasonably anticipated lost wages		Uncertain
F. Other documented items of damages (describe)		\$
G. Brief description of plaintiff's injury, including nature and extent of injury (describe) Deborah Genatossio was a passenger onboard North American Airlines, Inc., Flight 32 on February 7, 2003. Metal trays, not properly secured in an overhead compartment, fell on plaintiff's left leg and foot resulting in a crushing injury which caused the plaintiff to suffer acute pain and chronic Reflex Sympathetic Dystrophy.		TOTAL \$5,267
CONTRACT CLAIMS (Attach additional sheets as necessary)		
Provide a detailed description of claim(s):		TOTAL \$
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT		
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1.18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."		
Signature of Attorney of Record <i>[Signature]</i>		DATE: 1/27/05

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Deborah Genatossio v.
North Atlantic Airlines, Inc.
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LIST ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1))
- | | | |
|----------|------|---|
| — | I. | 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT |
| — | II. | 195, 368, 400, 440, 441-444, 540, 550, 625, 710, 720, 730,
740, 790, 791, 820, 830, 840, 850, 890, 892-894, 895, 950. |
| <u>X</u> | III. | 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310,
315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371,
380, 385, 450, 891. |
| — | IV. | 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660,
690, 810, 861-865, 870, 871, 875, 900. |
| — | V. | 150, 152, 153. |
3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E))
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT? NO
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? NO
- IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY? (SEE 28 USC 2403)
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? NO
7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL SECTION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY)? (SEE LOCAL RULE 40.1(C)) YES — OR IN THE WESTERN SECTION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)? (SEE LOCAL RULE 40.1(D)) YES —
8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN SECTIONS OF THE DISTRICT? YES — NO —
- (a) IF YES, IN WHICH SECTION DOES THE PLAINTIFF RESIDE? —
9. IN WHICH SECTION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? Norfolk
10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE CENTRAL SECTION — OR WESTERN SECTION —

(PLEASE TYPE OR PRINT)
ATTORNEY'S NAME

Maynard M. Kirpalani/Carey L. Bertrand

ADDRESS Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, 155 Federal St., Boston, MA 02110TELEPHONE NO. (617) 422-5300

(COVER.SHT-08/90)

JS 44
(Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Deborah Genatossio and Michael Genatossio

DEFENDANTS

North Atlantic Airlines, Inc.,

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Norfolk
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN U.S. PLAINTIFF CASES, USE THE LOCATION OF THE TRIAL AND INVOICED.

05 10881 RGS

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Daniel J. Gibson, Esq.
Sarrouf, Tarricone, & Fleming
85 Commercial Wharf
Boston, MA

ATTORNEYS (IF KNOWN)

Maynard M. Kirpalani / Carey Bertrand
Wilson, Elser, Moskowitz, Edelman & Dicker
155 Federal Street, Boston, MA

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State ☐ 1 ☐ 1 PTF DEF
- Citizen of Another State ☐ 2 ☒ 2 PTF DEF
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 PTF DEF
- Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
- Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury — Med. Malpractice <input checked="" type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS — Third Party 26 USC 7609	

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- Transferred from ☐ 5 another district (specify)
- ☐ 6 Multidistrict Litigation
- Appeal to District Judge from ☐ 7 Magistrate Judgment

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

28 USC 1331, 1441 — Personal injury at airport site

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) (See instructions): IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____